

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BYRUM, *et al.*

Appln. No.: Not yet assigned

Filed: Herewith

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: Not yet assigned

Examiner: Not yet assigned

Atty. Docket: 38-21(15367)C

Preliminary Amendment

Commissioner for Patents
Washington, DC 20231

Sir:

Prior to examination on the merits, Applicants hereby request entry of the following amendments in the above-captioned application:

In the Specification:

Please **insert** the following paragraph at page 1, line 5:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of co-pending U.S. Patent Application Serial No. 09/306,349 filed May 10, 1999.

Please **add** the following paragraph on page 1 after the paragraph entitled "Cross-Reference to Related Applications":

INCORPORATION OF SEQUENCE LISTING

A CD-ROM copy of the Sequence Listing and a computer readable form of the sequence listing on CD-ROM, containing the file named 15367C Seq listing.txt, which is 28,643,189 bytes in size (measured in MS-DOS), and which was created on September 24, 2001, are herein incorporated by reference.

In the Claims:

Please cancel claims 1-7 without disclaimer or prejudice to the underlying subject matter.

Please add the following claim:

8. A substantially purified nucleic acid molecule that encodes a soybean protein or fragment of a soybean protein comprising a nucleic acid sequence selected from the group consisting of SEQ ID NO: 5278 through SEQ ID NO: 15553.

Remarks

Claims 1-7 have been cancelled, and claim 8 has been added. Support for new claim 8 may be found in the original claims, the sequence listing, and the specification, for example at page 9, line 24 to page 10, line 3. No new matter enters by this amendment. The application presently contains claim 1. The Sequence Listing has been formatted to comply with current 37 C.F.R. § 1.821 et seq. No new matter enters by this amendment.

The specification has been amended to update cross-reference to related application information, and to specify that the present application is a continuation application of co-pending application 09/306,349. The specification has also been amended to provide the references to the Sequence Listing. No new matter enters by this amendment.

The presently pending claim is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is respectfully requested to contact Applicant's undersigned representative to address any unresolved issues remaining in this application.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 13-4125 referencing charge number 38-21(15367)C.

Respectfully submitted,

Lawrence M. Lavin, Jr.

Lawrence M. Lavin, Jr. (Reg. No. 30,768)
by June E. Cohan (Reg. No. 43,471)

Date: Sept 24, 2001

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Marked up versions

In the Specification:

On page 1:

CROSS-REFERENCE TO RELATED APPLICATION

This application is a continuation of co-pending U.S. Patent Application Serial No. 09/306,349 filed May 10, 1999.

INCORPORATION OF SEQUENCE LISTING

A CD-ROM copy of the Sequence Listing and a computer readable form of the sequence listing on CD-ROM, containing the file named PA_00182.RPT, which is 28,643,186 bytes in size (measured in MS-DOS), and which was created on September 24, 2001, are herein incorporated by reference.

In the Claims:

8. A substantially purified nucleic acid molecule that encodes a soybean protein or fragment of a soybean protein comprising a nucleic acid sequence selected from the group consisting of SEQ ID NO: 5278 through SEQ ID NO: 15553.